

### REMARKS

Claims 13-14, 16-19, 21-27, 29-32 and 34-38 remain in this application for the Examiner's review and consideration. Claims 20 and 33 have been canceled from consideration with the present application without prejudice to pursue the subject matter of these claims in one or more continuation or divisional applications. Claims 13 and 26, the only independent claims, have been amended to recite that the game environment contains identifications for a plurality of game participants and that a plurality of concurrent voice over internet protocol based audio conferences are established within the same network based game environment among the game participants based upon the game state profiles such that each voice over internet protocol based audio conference includes two or more game participants having one or more shared game contexts. The dependent claims have been amended for consistency with the amendments to the independent claims and to further clarify the scope of protection sought by the present application. Support for these amendments can be found in the specification and claims as originally filed and in particular in claims 20 and 33 and at page 6, lines 15-25. As these amendments do not introduce any new matter into the above identified application, their entry at this time is warranted.

The specification was objected to for the reasons given in paragraph 2 of the Office Action. It was asserted that the language of the abstract needs to be clarified and in particular that the phrase "This invention is directed to" should not be used. The abstract has been amended accordingly. Therefore, Applicants respectfully request that this objection be withdrawn.

Claims 13, 14, 16-27 and 29-38 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter for the reasons given in paragraph 4 of the Office Action. It was asserted that the claims contain recitations directed to humans. Claims 13 and 26 were amended to recite that the environment contains a identifications for a plurality of game participants. Applicants assert that this amendment overcomes this rejection and respectfully request that this rejection be withdrawn.

Claims 13, 14, 16-27 and 29-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,006,616 to Christofferson et al. ("Christofferson") for the reasons given in paragraph 6 of the Office Action. It was asserted that Christofferson discloses all

of the recitations of the present invention as claimed. Applicants assert that the amends overcome this rejection for the following reasons.

Christofferson is directed to a teleconferencing bridge with edgepoint mixing that provides a separate mixing function for each participant in a conference for a high degree of end-user control in a conference. An audio mixer is provided for each participant, and based at least in part on the control streams, the audio bridge returns a separately mixed audio signal to each participant. The interface uses a packet-switched network such as an IP network. The visual interface includes a software program running on a PC such as an interactive gaming program. The participant's location within the virtual environment and the direction the participant is facing can be used in mixing the audio signal.

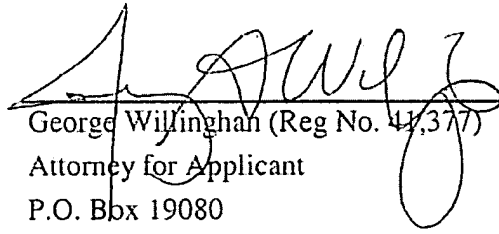
By contrast, the present invention as currently amended, recites establishing a plurality of concurrent voice over internet protocol based audio conferences within the same network based game environment among the game participants based upon the game state profiles. Each voice over internet protocol based audio conference includes two or more game participants having one or more shared game contexts. Christofferson does not disclose or teach establishing a plurality of concurrent VoIP audio conferences within the same game environment participants based upon game state profiles. Therefore, participants with a common state profile are included in one of the audio conferences, but the other participants are excluded from that audio conference but may be included in another one of the concurrent audio conferences. For example, only participants within a given room can talk to each other, and participants in another room can also talk, but cannot talk to the participants in the first room. The dependent claims include additional recitations that further define the present invention over Christofferson. For example, claims 17 and 30 recite establishing a plurality of distinct groups of game participants and associating one of the plurality of groups with one of the plurality of audio conferences, each group having at least two game participants. Claims 19 and 32 recite a plurality of distinct groups of game participants and associating one of the plurality of groups with one of the plurality of audio conferences, each group having at least two game participants. Therefore, Christofferson fails to disclose or teach all of the recitations of the present invention as currently claimed, and Applicants respectfully request that the present rejection be reconsidered and withdrawn.

Applicants assert that all claims are now in condition for allowance, early notification of which is respectfully requested. A petition for a one month extension of time for the submission of this amendment along with provisions for the payment of the prescribed fee is enclosed herewith. As the present amendments do not introduce any new claims above the original number of filed claims, no additional fees are believed due for the submission of this amendment.

Respectfully submitted,

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